

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, the Title has been amended.

Claims 2 and 18 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-21 are now pending in this application.

In the outstanding Office Action of October 5, 2007, the Examiner objected to the title as not being descriptive. In response to the objection, Applicant has amended the title to “CLIENT PROVISIONING USING APPLICATION CHARACTERISTICS TEMPLATE WITH FLAG PARAMETERS.” In making this amendment, Applicant does not intend to alter the scope of the application or its claims in any way.¹

In addition, the Examiner rejected claim 18 under 35 U.S.C. § 101 because, in the Examiner’s opinion, “the claimed invention of the claim 18 is directed to non-statutory subject matter.” In response to the rejection, claim 18 of the present application has been amended to recite a “computer program product embodied on a computer-readable medium.” An example of such a computer-readable medium is described in paragraph [0026] as the memory of the device. In addition, Figure 4 also depicts a memory within the device. Applicant therefore submits that the amendment is fully supported by the application as originally filed. As such, Applicant submits that claim 18 as amended is directed to statutory subject matter and respectfully requests that the rejection be withdrawn.

¹ Applicant has also amended claim 2 in order to correct a typographical error. Applicant does not intend to surrender any claim scope by making this amendment.

Claims 1-21 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,879,979 to Hindawi et al. (“Hindawi et al”). Applicant respectfully traverses the rejection for the reason set forth below.

The Examiner asserted that the all of the features presented in the independent and dependent claims were disclosed in Hindawi et al. However, Applicant has carefully examined the recited portion of Hindawi et al. and cannot find support for such an assertion. Moreover, Applicant submits that nothing in the portions of Hindawi et al. cited by the Examiner relate at all to the claimed limitation as described above. In fact, Hindawi et al. teaches entirely different features. For example, relevant portions of Hindawi et al. state:

An information requestor is an organization or individual which requests configuration information of the target computer by sending query documents and receives responses.... The information provider is an organization or individual which receives query documents from the requestor and provides response documents to the requestor. (Column 5, line 60 -column 6, line 1; emphasis added).

The public server **104** run by the support organization is responsible for serving the query documents to the client application 107, receiving response documents from the client application 107, and serving the response documents to the private server **105**. (Column 6, lines 61-65; emphasis added).

The client application **107** running on the customer PC **101** is responsible for retrieving query documents from the public server **104**, inspecting the customer PC **101** to obtain configuration information and constructing response documents, and sending the response documents to the public server 104. (Column 6, line 66 - column 7, line 4; emphasis added).

Thus, Hindawi et al. teaches two types of messages. The first type is a query message, which is sent from the network device to the client device. The second type is a response message, which is sent from the client device to the network device. As discussed in more detail below, both type of messages fail to read on the features presented in the claims.

As to the query message, Applicant submits that the query message cannot read on the claims because the query message does not carry “configuration information,” as recited in claims 1, 7, and 18. (Emphasis added). The query message is merely asking questions relating to the client device. As clearly shown in Figure 2, the query message consists of questions written in “simplified English.” (Column 4, line 35). For example, the questions depicted are “date of bios,” “name of operating system,” “number of processors,” and “speed of main processor.” These are simple inquiries that do not include any configuration information. These questions are asked in order to determine “presence of certain hardware, software, files, registry, entries, and configuration settings.” (Column 7, lines 26-28). Therefore, since the network device is asking about configuration settings, the network device cannot be delivering configuration settings (since it does not have them yet). In other words, the query message cannot be delivering the same information that it is asking about.

In contrast, the response message could carry configuration information. However, the response message is going in the wrong direction. For example, Hindawi et al. teaches “receiving response documents from the client application.” (Column 6, lines 63-64; emphasis added). In contrast, Claim 1 recites “receiving a provisioning content document from a wireless communication network.” (Emphasis added). Therefore, since the response message of Hindawi et al. is being sent from the client to the network (instead of from the network to the client), the response message also fails to read on the claims.

Furthermore, Applicant notes that even if the query message or response message of Hindawi et al. comprised configuration information, both messages would still fail to carry a “flag parameter,” as recited in claims 1, 7, 14, and 18. Applicant has carefully reviewed Hindawi et al. and cannot find support for setting the configuration based on a “flag parameter.” Moreover, Hindawi et al. does not even mention the word “flag” (or any other variable in a program related to conditions) in the entire disclosure. Therefore, in addition to failing to teach “configuration information,” the query and response messages of Hindawi et al. fail to teach or suggest a “flag parameter,” as recited in claims 1, 7, 14, and 18. For at least the above reasons, Applicant submits that Hindawi et al. fails to teach or disclose all of the features as required for an anticipation rejection.

In addition, the Examiner rejected claims 3-4, 12, 15, 16, 20, and 21 by stating that “the multiple levels of the application characteristic is known and inherent in the art at the time the invention was made.” Applicant respectfully disagrees. Claim 3, 15, and 20 recite “the flag parameter is introduced in only one level of the multiple levels of the application characteristic.” Claim 4, 12, 16, and 21 recites that “the flag parameter is introduced to all levels of the multiple levels of the application characteristic.” Thus, the claims are related to where the flag parameter is introduced. The claims are not related to whether or not multiple levels of the application characteristic are known and inherent. As such, Applicant submits that the Examiner failed to address the substance of claims 3-4, 12, 15, 16, 20, and 21.

Because Hindawi et al. does not teaches all of the required features of independent claims 1, 7, 14, and 18 of the present application, Application submits that each of these independent claims are patentable over this prior art. Furthermore, because dependent claims 2-6, 8-13, 15-17, and 19-21 are each directly or indirectly dependent upon independent claims 1, 7, 14, and 18, the dependent claims of the present application are allowable for at least the same reasons as those discussed with regard to independent claims 1, 7, 14, and 18.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for

such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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